

II. Claims 25-33, drawn to an apparatus for processing the images into a first format and a second format, classified in class 386, subclass 131.”

Applicants provisionally elect for prosecution the invention of Group I (claims 1-24).

However, Applicants believe that the restriction requirement is improper and therefore make this election with traverse.

Applicants respectfully submit that, as stated in MPEP §803, for a restriction requirement to be proper “there are two criteria for restriction between patentably distinct inventions” as follows:

- “(1) The inventions must be independent or distinct as claimed; and
- (2) There must be a serious burden on the examiner if restriction is not required . . .” (emphasis added)

Applicants respectfully submit that: all groups of restricted claims are properly presented in the same application; undue diverse searching would not be required; and all claims should be examined together. Accordingly, examination of the claims of Group II (Claims 25-33), in addition to the claims of Group I, would place no additional “serious” burden on the Examiner as examination of the claims of Group II would not require undue diverse searching beyond that which would be necessary for examination of the claims of Group I.

Accordingly, Applicants respectfully submit that the restriction requirement should be withdrawn and that all claims should be examined on the merits.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4518. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Furthermore, in the event that an additional extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this Response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: September 18, 2002

By: _____



Angus R. Gill
Registration No. 51,133

Mailing address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
(212) 758-4800 (Telephone)
(212) 751-6849 (Facsimile)